

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SEAN O'TOOLE, et al.,

Plaintiffs,

v.

CITY OF ANTIOCH, et al.,

Defendants.

No. C 11-01502 PJH

**ORDER RE PLAINTIFFS' CHAMBERS
COPIES AND MOTION TO SEAL**

PLEASE TAKE NOTICE that the chambers copies of plaintiffs' "reply to opposition to defendants' [sic] motion to amend the complaint" (Dkt. 77), the declaration of Tim A. Pori and attached exhibits¹ (Dkt. 77-1 through Dkt. 77-21), plaintiffs' administrative motion to file under seal (Dkt. 76) and the declaration of Tim A. Pori in support of the motion to seal and attached exhibits (Dkt. 77-2 through Dkt. 77-6) were submitted in a format that is not usable by the court.

¹The court is unsure whether plaintiffs intended to include this declaration and exhibits as part of their reply in support of their motion for leave to amend the complaint. The declaration's caption states that it is filed in support of "plaintiff" motion to order counsel to participate in the discovery process," etc., but the declaration's footer states that it is "in support of reply to defendants' opposition for leave to amend FAC." See Dkt. 77-1. Additionally, the declaration and exhibits were filed on ECF as part of plaintiffs' reply in support of their motion for leave to amend.

If the declaration was indeed intended to be filed in support of plaintiffs' motion for leave to amend, plaintiffs' counsel must submit a corrected chambers copy in a usable format. If the declaration was incorrectly filed as part of plaintiffs' reply brief, it must be re-filed in connection with the ongoing discovery dispute between the parties.

The chambers copies are not usable because they

- ☐ consist of a stack of loose paper wrapped with a rubber band;
- ☒ consist of a stack of loose paper fastened with a binder clip or a paper clip;
- ☐ are too thick to permit secure fastening with a staple, and are fastened with a brad-type fastener that is too short for the thickness of the document;
- ☒ have no tabs for the voluminous exhibits;
- ☐ include exhibits that are illegible;
- ☐ include exhibits that are unreadable because the print is too small;
- ☐ include text and/or footnotes in a font smaller than 12 point;
- ☐ include portions or exhibits that are redacted because the submitting party has requested leave to file those portions under seal;
- ☐ include exhibits that are not attached to a declaration or request for judicial notice and are otherwise unidentified.

The paper used for the above-described chambers copy has been recycled by the court. No later than **October 9, 2014**, plaintiffs shall submit a chambers copy in a format that is usable by the court.

In addition, with regard to the motion to seal, plaintiffs' counsel has not complied with Civil Local Rule 79-5(d), which requires the submission of a redacted version of the document to be sealed, as well as an unredacted version of the document indicating, by highlighting or other clear method, the portions of the document that have been omitted from the redacted version. Plaintiffs must submit chambers copies of any documents sought to be sealed, in accordance with this order, by **October 9, 2014**.

Finally, plaintiffs did not submit any chambers copy of their opening motion for leave to file second amended complaint (Dkt. 66), its proposed order (Dkt. 66-1), or the declaration of Tim A. Pori and attached exhibit (Dkt. 66-2 and Dkt. 66-3). Plaintiffs must submit a chambers copy of those documents by **October 9, 2014**.

IT IS SO ORDERED.

Dated: October 7, 2014



PHYLLIS J. HAMILTON
United States District Judge